



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
MARK R. AGUIAR,

Plaintiff,

-v-

THE STATE OF NEW YORK, et al.,

Defendants.
----- x

JED S. RAKOFF, U.S.D.J.

06 Civ. 3334 (JSR)

ORDER

On April 16, 2007, the Honorable Theodore H. Katz, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned case, recommending that this Court (1) grant in full the pending Fed. R. Civ. P. 12(c) motion of defendants the New York State Unified Court System, Office of Court Administration, and The New Your Supreme Court, Appellate Division, First Department (collectively, the "Court Defendants") to dismiss all but the first cause of action as against them, and (2) grant in part the pending Fed. R. Civ. P. 12(c) motion of defendant the State of New York (the "State Defendant"), denying that motion insofar as it seeks dismissal of plaintiff's Title VII claim for unlawful retaliation.

After the Report issued, plaintiff timely submitted a written objection dated April 30, 2007. Having carefully considered the matter de novo, in light of this objection, the Court finds itself in total agreement with the reasoning set forth in the Report (with the exception of a few minor typographical errors in the Report which are

hereby corrected¹) , which the Court hereby adopts by reference.

Accordingly, the Court Defendants' motion is hereby granted in full and the State Defendants' motion is hereby denied with respect to the Title VII claim, but otherwise granted.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
July 6, 2007

¹ Most importantly, the case caption at the very top of the Report is hereby changed from "06 Civ. 0334" to "06 Civ. 3334." In addition, the references to "Rule 120" on pages 5 and 9 of the Report are hereby changed to "Rule 12(c)" and the sentence at the top of page 17 describing plaintiff's "claims under the NYSHRL and NYSHRL" is hereby amended to refer to "claims under the NYSHRL and NYCHRL."